

Asha K. Spaulding moves under 28 U.S.C. § 2255 to vacate, set aside, or correct his federal sentence. Doc. 1. On preliminary screening, the Court denied her motion based on Spaulding’s waiver of her direct and collateral appeal rights. Doc. 3 at 4 (recommending denial based on movant’s sworn statement in her plea agreement); doc. 5 (adopting recommendation as judgment of the Court). Movant appealed, and the Eleventh Circuit vacated and remanded for further proceedings to “accord the parties fair notice and an opportunity to present their positions” before disposing of the case based on the plea waiver, which Spaulding did not have the chance to address prior to adoption of the recommendation. Doc. 18 (appeal opinion, quoting *Day v. McDonough*, 547 U.S. 198, 210 (2006)); see doc. 6 (objection to the report and recommendation timely

signature-filed but received by the Court *after* entry of the Order Adopting). The Court therefore **DIRECTS** the Clerk to **REOPEN** this case and further **DIRECTS** the Government to respond to Spaulding's motion within sixty days from the date of this Order. 28 U.S.C. § 2255 Rule 4(b).

SO ORDERED, this 6th day of March, 2018.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA